

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, May 24, 2011, at the Lexington Municipal Building, located at 406 E. 7th Street, Lexington, Nebraska at 5:30 p.m. Members of the Council present were John Fagot, Steve Tomasek, Linda Miller, Joni Bennett and John Salem. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold, Finance Director Barb Hodges, and Deputy City Clerk Pamela Berke. The press was represented by the Lexington Clipper-Herald and Kearney Hub. Also present was Kristie Teply.

NOTICE: Notice of the meeting was given in advance, thereof by publication in the Lexington Clipper-Herald, the designated method for giving notice, as shown by the Affidavit of Publication attached to these Minutes. Notice of this meeting was simultaneously given to the Mayor and all members of the Council, and a copy of their Acknowledgment of Receipt of Notice and the Agenda is attached to these Minutes. Availability of the Agenda was communicated in advance notice and in the notice to the Mayor and Council of this Meeting. The proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public. All items presented and discussed on the Agenda were available for public inspection.

CALL TO ORDER: The meeting was called to order by Mayor Fagot. Fagot informed the public that the Open Meetings Act is posted in the Meeting Room at the Lexington Municipal Building, located at 406 E. 7th Street, Lexington, Nebraska.

MINUTES – REGULAR MEETING 5-10-2011 Minutes of the Regular meeting held Tuesday, May 10, 2011, were presented for Council approval. Moved by Miller, seconded by Salem, to approve Minutes as presented. Roll Call. Voting “aye” were Tomasek, Bennett, Salem, Miller, Fagot. Motion carried.

MINUTES – PLANNING SESSION 5-21-2011 Minutes of the Planning Session held Saturday, May 21, 2011, were presented for Council approval. Moved by Salem, seconded by Bennett, to approve Minutes as presented. Roll call. Voting “aye” were Miller, Tomasek, Bennett, Salem, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$586,093.05 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Bennett, seconded by Tomasek, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$210,255.17 from the General Fund, \$176,837.55 from TIF, \$20,833.35 from ED Reuse, \$130,220.68 from LEXUS, \$29,404.30 from Sanitation, \$295.80 from Ambulance Fund, \$14,733.81 from Health Fund, and \$3,512.39 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Miller, Salem, Tomasek, Bennett, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
May 24, 2011

AFLAC	Premium	1,360.59
Alamar Uniform Co.	Uniform Expense	257.04
Allied Systems, Inc.	WWTP Biothane Valve	4,926.67
Associated Supply Company, Inc.	Aquatic Center Chemicals & Supplies	7,974.74
Axis Capital, Inc.	Mail Machine Pmt	840.00
Baird Holm LLP	Audit Response	35.00
Barco Municipal Products	ST / WR Supplies	1,029.83
Barmore Drug Store, Inc.	GGC / Library Supplies	63.57

Bauer Underground, Inc.	Underground Boring	500.00
Bob's Auto Repair & Service, Inc.	Central Garage Service	100.00
Business Card	Bldg Insp/ST/Bus Office Spls/Police Conf	1,562.06
Card Center/Orscheln	ST / PK / Cem Supplies	157.51
Cash-Wa Distributing	Food & Supplies	3,745.68
CDW Government, Inc.	Muni Bldg Supplies	612.35
Central Garage Fund	Service & Repair	7,822.69
Certified Laboratories	Central Garage Supplies	370.62
Community Redevelopment Auth	TIF/Cornhusker Energy/Ford & Ford Pmts	130,304.21
Conney Safety Products	PK / Cem / ST Supplies	444.53
Consolidated Management Co	Police Training Meals	70.50
Dakota Supply Group	WR Meter Supplies	950.43
Dash Medical Gloves, Inc.	Police Supplies	74.90
Data-Pac Mailing Systems	Postage	1,500.00
Davis Energy, Inc.	Central Garage Supplies	204.00
Dutton-Lainson Company	EL Meter Supplies	339.37
Electric Fixture & Supply	WWTP / EL Supplies	293.99
Farm Plan	Central Garage Supplies	35.40
Farmer Brothers Coffee	Food & Supplies	469.69
Fire-Extrication-Hazmat Bill LLP	Fire Equipment Billing Fee	50.00
Fireguard, Inc.	Fire Supplies	288.14
Fox Bros. Hay Co., Inc.	Wood Grinding Service	3,498.37
FYR-TEK	Fire Supplies	267.42
Gale Group, The	Library Books	208.61
Garden, Lawn & Landscaping	Yard Clean-up	215.00
Great Western Bank-Lib Petty Cash	Postage / Food / Supplies	180.63
Gruntorad, Jessica	Pool Manager Training	40.00
Hach Company	Testing Supplies	313.54
Hawkins, Inc.	Aquatic Center Chemicals	542.68
Health Claims Fund	Claims	11,895.00
Heiman Fire Equipment, Inc.	Fire Supplies	83.85
Hock, Caleb	Pool Manager Training	50.00
Holbein, Dahlas D.	Fire Dept Maint / Cleaning Service	1,000.00
Ibarra, Yanet	Translation Service	25.00
Ingram Library Services	Library Books	932.29
Internatl Municipal Lawyers Assn	Membership Dues	480.00
Investment Property Exchange	Appraisal	2,000.00
Johnson, Sharyn	EL Rebate	1,025.00
Leger, Jean	Pool Manager Training	40.00
Lexington Newspapers, Inc.	Publications	797.55
Lex Rural Fire Protection District	Building Payment	25,634.55
Lexington Truck & Auto, Inc.	Central Garage Supplies	25.00
Payroll	Wages	110,764.11
Social Security	Employer Portion / FICA Med	8,138.33
First National Bank	Employer Portion / Pension	3,655.52
First National Bank	Police Pension	1,558.28
ICMA	City Manager Pension	443.08
Linda's Stitches & Creations	ST / PK / Cem Uniform Expense	441.60
Malcom, Charles	EL Rebate	1,175.00
McCookNet Internet Service	Service	139.00
Menards-Kearney	PK Supplies	119.88
Mendoza, Andrea	EL Rebate	1,025.00
Menjivar, Jose	EL Rebate	900.00
Michael Todd & Co., Inc.	WR Supplies	58.86
MicroMarketing, LLC	Library CD Books	227.93
Morris, Jo	EL Rebate	900.00
Municipal Pipe Services, Inc.	WR Supplies	1,500.00

NE Dpt of Economic Development	Mid Plains CDBG Pmts	20,833.35
Nebraska Environmental Products	Central Garage Supplies	470.43
NE Law Enforcement Training Cntr	Training Class	80.00
Nebraska Machinery	Central Garage Supplies	116.38
Nebraska National Bank	Copier Payments	1,195.44
NE Public Health Environmental Lab	WR Testing	1,460.00
Niederdeppe, Makenna	Pool Manager Training	50.00
Overton Community Center	Meals on Wheels	100.00
Parsons Brinckerhoff	Engineering Service - 17th St Resurfacing	7,302.59
Platte Valley Auto Mart, Inc.	Fire Service / Central Garage Supplies	302.04
Plum Creek Market Place	Food	46.12
Plum Creek Promotions	Rec Shirts	731.80
Quality Books, Inc.	Library Books	48.98
Richman, Marissa	Pool Manager Training	40.00
Roberts Dairy Company	Food & Beverages	276.94
Roper's Radiator Service, Inc.	Central Garage Repair	65.00
Rowan, Jeff	Pool Manager Training	40.00
S & W Auto Parts, Inc.	WWTP / Fire / Central Garage Supplies	915.54
Schemmer Associates, The	Jackson St Improv - 8th to 13th St	18,615.69
Seberger, Bridget	Pool Manager Training	40.00
Security First Bank	Wilkinson Development-TIF	22,851.76
Service Master Mid Nebraska	Cleaning Service	4,821.00
Sheldon, Carol	EL Rebate	125.00
Sign Pro	Serv Bldg/Muni Bldg/DC Opp Cntr Signs	1,761.00
Snow, Brian	Travel Expense	183.60
Subway Sandwiches & Salads	Food	36.89
TASC	Flex Plan Admin Fees	177.48
Taste Of Home Books	Library Books	61.96
Team Detail & Quicklube	Uniform Expense	13.00
Teen Vogue	Library Subscription	5.00
Thompson Co., The	Food & Supplies	956.95
U-Save Business Equipment	Bldg Insp Supplies	12.38
Village Uniform	Aquatic Center / GGC Supplies	60.70
Villalon, Navor	EL Rebate	300.00
Wal-Mart	Supplies	263.43
Wall Street Journal, The	Library Subscription	647.38
Business Card	Conf/Meals/Software / UTL Office Spls	340.81
Card Center/Orscheln	WWTP/Fire/PK/ST/WR/Cem Supplies	700.94
Cash-Wa Distributing	Paper Supplies	285.40
CDW Government, Inc.	Software	2,045.82
CRA	Engineer-Area #1/Kirkpatrick Prop Taxes	23,681.58
Consolidated Management Co	Police Training Meals	98.50
Dan's Sanitation	Sanitation Fees	29,404.30
Data-Pac Mailing Systems	Meter Rent	900.00
Electric Fixture & Supply	WWTP Supplies	242.13
Great Western Bnk-Cty Petty Cash	Bvrgs/Meals/CarWashes/Uniform Exp/Pstg	75.40
Health Claims Fund	Claims	1,300.74
Lexington Utilities System	Utilities	31,016.91
Lexington, City of	Franchise Fees	56,062.83
Madeline's Café & Bakery	Food	17.95
Mellen & Associates, Inc.	WWTP Supplies	3,232.84
Midland Scientific, Inc.	WWTP Testing Supplies	420.53
Mike Underwood Construction	Yard Clean-up	100.00
Sign Pro	WWTP Signs	285.00
Snow, Brian	Police Training Shirts / Supplies	59.41
Verizon Wireless	Cellphone Service	129.54
West Central NE Development District	Membership Dues	4,000.00

TOTAL CLAIMS:

586,093.05

STREET DANCE:

Kristie Teply, Tep's Bar and Grill, requested Council approval to use the public parking lot adjacent to the business for a street dance to coincide with the Plum Creek Rodeo, Friday, June 10, and Saturday, June 11, 2011. She reviewed the plans for the area. Following discussion, moved by Tomasek, seconded by Salem, to approve the use of public parking lot for the Plum Creek Rodeo Street Dance as outlined in the plan for June 10 and 11, 2011. Roll call. Voting "aye" were Miller, Bennett, Salem, Tomasek, Fagot. Motion carried.

PAY REQUEST:

Pepplitsch presented Pay Request #11 (Final) for the Municipal Building Renovation project from Paulsen, Inc. in the amount of \$64,287.06. Following discussion, moved by Bennett, seconded by Tomasek, to approve the pay request as presented. Roll call. Voting "aye" were Miller, Salem, Tomasek, Bennett, Fagot. Motion carried.

RESOLUTION:

Resolution No. 2011-19 was presented. Pepplitsch reviewed a proposal to have the CRA purchase 5 remaining residential lots in Redevelopment Area #2 from the Greater Lexington Corporation. He indicated that as excess TIF revenues have been realized from the housing redevelopment project in the area, it appears feasible to have the CRA purchase the lots and provide an extra incentive for builders to construct units on the lots within the next 12 month period. The community would benefit more by having units built in the near future, than having vacant land remain at the end of the redevelopment period. Following discussion, moved by Salem, seconded by Miller, to approve Resolution No. 2011-19 as presented. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

RESOLUTION 2011-19

RESOLUTION OF THE CITY OF LEXINGTON FINDING THAT THE ACQUISITION AND DEVELOPMENT OF UNDEVELOPED AND VACANT LAND IS ESSENTIAL TO THE PROPER CLEARANCE AND REDEVELOPMENT OF SUBSTANDARD AND BLIGHTED AREAS AND IS A NECESSARY PART OF THE GENERAL COMMUNITY REDEVELOPMENT PROGRAM AND AUTHORIZING THE ACQUISITION OF THE SAME BY THE COMMUNITY REDEVELOPMENT AUTHORITY OF THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA.

WHEREAS, Section 18-2123 R.R.S provides that a Redevelopment Authority may acquire undeveloped land when the same is essential to the proper clearance or redevelopment of a substandard or blighted area; and

WHEREAS, the governing body of the City of Lexington has determined that the property described herein is necessary for the proper clearance and redevelopment of substandard and blighted areas within the City of Lexington; and

WHEREAS, the governing body determines that the acquisition of such an area is beneficial to the removal of blight and substandard conditions in redevelopment areas within the City; and

WHEREAS, the governing body has determined that it is in the best interests of the City and the Authority to acquire the real estate hereafter described;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA, AS FOLLOWS:

Section 1. The governing body of the City finds that the following described lands are located within the limits of the City; that said lands are vacant and undeveloped; are essential to the proper clearance or redevelopment of substandard or blighted areas; and are a necessary part of the general community redevelopment program of the city, to wit:

Lot 4, Block 3, Paulsen's First Addition to the City of Lexington, Dawson County, Nebraska; and,

Lot 5 and Lot 6, Block 1, Parkview Addition to the City of Lexington, Dawson County, Nebraska; and,

Lot 11 and Lot 21, Block 2, Paulsen's First Addition to the City of Lexington, Dawson County, Nebraska.

Section 2. The Community Redevelopment Authority of the City of Lexington is hereby authorized and directed to acquire and provide for the development and redevelopment of said lands according to the Community Development Law.

Passed and approved this 24th day of May, 2011.

CITY OF LEXINGTON, NEBRASKA

John Fagot, Mayor

ATTEST: Joe Peplitsch, City Clerk

RESOLUTION:

Resolution No. 2011-20 was presented. Peplitsch outlined a proposed federal aid road project and associated agreement with NDOR. Following discussion, moved by Miller, seconded by Bennett, to approve Resolution No. 2011-20 as presented. Roll call. Voting "aye" were Tomasek, Salem, Bennett, Miller, Fagot. Motion carried.

RESOLUTION NO 2011-20

WHEREAS: The City of Lexington desires to enter into an Agreement with the State of Nebraska Department of Roads, to proceed with construction of Project No. URB-6552(1), 6th Street, Grant-Taft, Control No. 61554;

NOW BE IT RESOLVED by the City Council, City of Lexington, Nebraska, that the Agreement for the above described Project, attached hereto, is hereby approved, and that John Fagot, as President of the Council, is hereby directed and authorized to sign said Agreement on behalf of the City of Lexington, Nebraska.

PASSED AND APPROVED this 24th day of May, 2011.

CITY OF LEXINGTON, NEBRASKA

John Fagot, President of the Council

ATTEST: Pamela Berke, Deputy City Clerk

RESOLUTION:

Resolution No. 2011-21 was presented. Peplitsch reviewed a project agreement with NDOR to fund a comprehensive plan update with a long range transportation component. NDOR would fund up to \$75,000 with a 20% match from the city. He noted that this would be an ideal time to update the comprehensive plan as new census data is available, amended flood maps have become effective, and several local projects are in the planning and development stages. He noted that citizen involvement and input would be a focus of the project. Following discussion, moved by Salem, seconded by Tomasek, to approve Resolution No. 2011-21 as presented. Roll call. Voting "aye" were Bennett, Miller, Tomasek, Salem, Fagot. Motion carried.

RESOLUTION NO. 2011-21

WHEREAS, it is in the best interests of the City of Lexington to enter into an Agreement with the Nebraska Department of Roads for Project No. SPR-PL-1(49), Control No. 00855, Comprehensive Plan Study;

BE IT THEREFORE RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEXINGTON, that the President of the Council is hereby directed and authorized to execute on behalf of the City of Lexington an Agreement with the State of Nebraska Department of Roads for Project No. SPR-PL-1(49), Control No. 00855, Comprehensive Plan Study; and Dennis Burnside is hereby appointed as the Responsible Charge person for the project.

Passed and approved on May 24, 2011.

John Fagot, President of Council

ATTEST: Joe Peplitsch, City Clerk

SUBRECIPIENT AGMT:

Peplitsch requested Council approval of an agreement with Dawson Area Development to administer Lexington's CDBG Re-use funds. Following discussion, moved by Miller, seconded by Bennett, to authorize the execution of the sub-recipient agreement with Dawson Area Development as presented. Roll call. Voting "aye" were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.

FINANCIAL REPORT:

Peplitsch presented a financial report for April 2011. Following discussion, moved by Miller, seconded by Tomasek, to accept the financial report as presented. Roll call. Voting "aye" were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

ROUNDTABLE:

Peplitsch reported that the water tower painting and south tower rehab will begin June 15, 2011.

Burnside announced that the Family Aquatic Center will open Saturday, May 28, 2011, for the season.

ADJOURNMENT:

There being no further business to come before the Council, Mayor Fagot declared the meeting adjourned.

John Fagot
Mayor

Pamela Berke
Deputy City Clerk

I, the undersigned City Clerk for the City of Lexington, Nebraska, hereby certify that all of the subjects included in the foregoing proceedings were contained in the Agenda for the meeting, kept continually current and available for public inspection at the office of the City Clerk during regular business hours prior to said meeting; that the Minutes of the Mayor and Council of the City of Lexington, Nebraska, from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

City Clerk